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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Moser, et al. ) Group Art Unit : 1644  
Appl. No. : 09/802,397 )  
Filed : March 9, 2001 )  
For : **DENDRITIC-LIKE CELL/TUMOR** )  
**CELL HYBRIDS AND HYBRIDOMAS** )  
**FOR INDUCING AN ANTI-TUMOR** )  
**RESPONSE** )  
Examiner : Ewoldt, Gerald R. )

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the communication from the Examiner mailed May 5, 2003. In response to the Election of Species requirement set forth in the communication, Applicant elects to prosecute the dendritic cells. This election is made with traverse.

The two species defined by the Examiner are not patentably distinct because dendritic cell progenitors are a subclass of dendritic cells. As set forth by Applicants on page 11, lines 29-30 of the present specification, "dendritic cell" is defined as "an isolated dendritic cell or its dendritic progenitor". Thus, for purposes of the presently claimed invention, both "dendritic cells" and "dendritic cell progenitors" are included within the term "dendritic cell" as defined by Applicants.

In view of Applicants' arguments, reconsideration and withdrawal of the Election of Species requirement is respectfully requested.

In any case, Applicants reserve the right to pursue any remaining claims in a divisional application. Claim 1-26 are believed to read upon the elected species. Accordingly, prompt examination on the merits of Claims 1-26 is respectfully requested.

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No fees are believed to be due for the present Response, however, would any fees be due, please charge them to our Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 30, 2003

By: Che S. Chereskin  
Che Swyden Chereskin  
Registration No. 41,466  
Agent of Record  
Customer No. 20,995

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